

ALLEN BALDWIN,
Plaintiff

vs.

HAROLD HANSEN,
Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW

NO. 2732.

DEMURRER TO DEFENDANTS PLEA

Now comes the plaintiff by his attorney and demurs to the Plea of Abatement filed by the defendant in this cause and assigns, separately and severally, the following grounds:

1. Said plea does not state a complete defense to the complaint.

2. Said plea is not verified in accordance with the Statutes of the State of Alabama.

3. It affirmatively appears from the plea that said plea is based upon the information and belief of the defendant's attorney.

4. That the affidavit of the attorney is insufficient under the laws of the State of Alabama.

James K. Kew, Jr.

ALLEN BALDWIN

PLAINTIFF

-vs-

HAROLD HANSEN

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 2732

Now comes the Defendant in the above entitled cause appearing specially and solely for the purpose of filing this his plea in abatement, and for no other purpose, and shows unto the Court the following: That heretofore on, to-wit, January 12, 1955, the date on which Plaintiff in his Complaint claims to have had an accident resulting in injury through the alleged negligence of the Defendant; that Plaintiff was employed by Foley Tractor and Implement Company of Foley, Alabama; that Foley Tractor and Implement Company is subject to the terms of the Workmen's Compensation Act of the State of Alabama as set out in Chapter 5 of Title 26 of the Code of Alabama of 1940; that as such employee, Plaintiff was paid the sum of \$312.00 for burns sustained on the 12th day of January, 1955, and signed a release and acceptance thereof, all as shown on Defendant's Exhibit "A", which is attached hereto and made a part hereof; that in addition there was paid in behalf of the said Plaintiff, the sum of \$610.12 for medical treatment and hospitalization; that Plaintiff, being covered by Workman's Compensation, having accepted payments thereunder for medical services and hospitalization, having received compensation thereunder, is barred by the provisions of Section 272 of Title 26 of the Code of Alabama of 1940 from any other or further action, claim or demand, and is barred from any other act, claim, or demand by the receipt for payment and release attached hereto and made a part hereof, and marked Exhibit "A".

Wherefore Defendant alleges that this suit was improperly filed, and shows that Plaintiff's acceptance of payment under the Workmen's Compensation Act of the State of Alabama excludes any other recovery, and shows that the receipt for payment of compensation under the provisions of said act bars any other or further

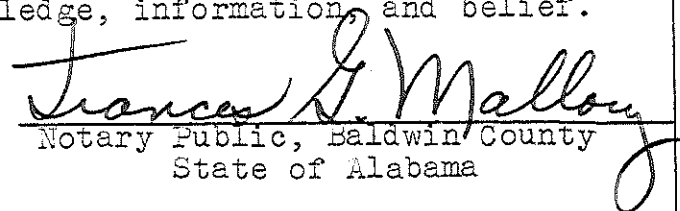
recovery, therefore Defendant prays that this suit be abated, and that he be discharged hence with a reasonable cost in this behalf expended.

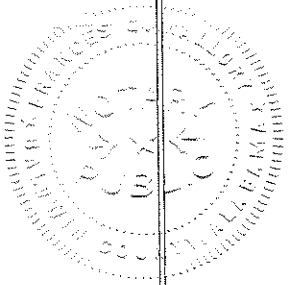

Attorney for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Frances G. Mallory, a Notary Public, in and for said County in said State, personally appeared C. G. Chason, attorney-at-law, who being by me first duly and legally sworn, deposes and says that he is attorney for the Defendant in the above styled cause, and that he is cognizant of the facts stated in the above and foregoing plea in abatement, and that the facts stated therein are true to the best of his knowledge, information, and belief.


Notary Public, Baldwin County
State of Alabama



PLEA IN ABATEMENT

ALLEN BALDWIN,

Plaintiff,

-VS-

HAROLD HANSEN,

Defendant.

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FILED

OCT 26 1955

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA